

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

No. C 06-7352 MHP (pr)

STEVEN ANTHONY PRELLWITZ,

**ORDER OF TRANSFER**

Petitioner,

v.

D. K. SISTO, warden,

Respondent.

Petitioner has filed a petition for writ of habeas corpus to challenge the denial of parole suitability. Petitioner is incarcerated, and had his parole suitability hearing, at the California State Prison in Vacaville, in Solano County. Solano County is within the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence, such as a parole denial claim. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Because petitioner is confined in the Eastern District of California and challenging the execution of his sentence, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

DATED: December 20, 2006

  
Marilyn Hall Patel  
United States District Judge